

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2866**

---

**Introduced by Assembly Member De Leon**

February 22, 2008

---

An act to amend Section 48000 of, *and to add Section 48001.5 to*, the Public Resources Code, relating to solid waste, *and making an appropriation therefor*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2866, as amended, De Leon. Solid waste: solid waste disposal fees.

Existing law, the California Integrated Waste Management Act of 1989, requires an operator of a solid waste disposal facility to pay a quarterly fee to the State Board of Equalization based on the amount of solid waste disposed of at each disposal site. Commencing with the 1995–96 fiscal year, the act requires the California Integrated Waste Management Board to establish the amount of the fee, as specified, and limits the fee to a maximum of \$1.40 per ton. *The fees are required to be deposited in the Integrated Waste Management Account in the Integrated Waste Management Fund and the board is authorized to expend the money in the account, upon appropriation by the Legislature, to administer and implement the act.*

This bill would, commencing with the 2008–09 fiscal year, require the board to establish the amount of the fee in an amount not exceeding \$2 per ton *and would require \$0.60 of that fee to be deposited by the State Board of Equalization in the Solid Waste Mitigation Account, which this bill would create in the fund.*

*The bill would continuously appropriate the fee revenues in that account to the board for expenditure in accordance with a specified schedule, of which 25% would be required to be expended to provide matching grants to assist public operators of solid waste landfills in complying with an early action measure adopted by the State Air Resources Board to enhance the capture of fugitive landfill gas emissions that contribute to global warming. The board would also be required to expend 25% of the fee revenues to fund demonstration projects to accelerate the commercialization of hybrid trucks for the collection of recyclables, yard waste, and garbage, and 25% to fund projects to demonstrate the commercial viability of producing clean transportation fuels from municipal solid waste and landfill gas.*

*The bill would require the board to deposit 25% of the fee revenues in the State Solid Waste Closure Trust Subaccount, which the bill would establish in the Solid Waste Mitigation Account and continuously appropriate to the board. The bill would authorize the board to expend the money in the subaccount to pay for any future liability of the state resulting from the failure of a landfill operator to meet its responsibilities for landfill closure and postclosure care. The board would be required to maintain an amount of \$50,000,000 in the subaccount and if the amount of the fee revenues allocated to the subaccount exceeds that amount, the board would be required to expend those excess amounts proportionally for the other purposes authorized by the bill.*

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 48000 of the Public Resources Code is
- 2 amended to read:
- 3 48000. (a) An operator of a disposal facility shall pay a fee
- 4 quarterly to the State Board of Equalization which is based on the
- 5 amount, by weight or volumetric equivalent, as determined by the
- 6 board, of all solid waste disposed of at each disposal site.
- 7 (b) Commencing with the 2008–09 fiscal year, the board shall
- 8 establish the amount of the fee at an amount that is sufficient to
- 9 generate revenues equivalent to the approved budget for that fiscal
- 10 year, including a prudent reserve, but *the fee* shall not exceed two
- 11 dollars (\$2) per ton.

1 (c) The board shall notify the State Board of Equalization on  
2 the first day of the period in which the rate shall take effect of any  
3 rate change adopted pursuant to this section.

4 (d) The board and the State Board of Equalization shall ensure  
5 that all the fees for solid waste imposed pursuant to this section  
6 that are collected at a transfer station are paid to the State Board  
7 of Equalization in accordance with this article.

8 (e) *Notwithstanding Section 48001, an amount of sixty cents*  
9 *(\$0.60) of the fee imposed for each ton of solid waste disposed of*  
10 *at each disposal site shall be deposited by the State Board of*  
11 *Equalization in the Solid Waste Mitigation Account created by*  
12 *Section 48001.5.*

13 SEC. 2. *Section 48001.5 is added to the Public Resources Code,*  
14 *to read:*

15 *48001.5. The fee revenues collected by the State Board of*  
16 *Equalization pursuant to subdivision (e) of Section 48000 shall*  
17 *be deposited in the Solid Waste Mitigation Account, which is*  
18 *hereby established in the fund. Notwithstanding Section 13340 of*  
19 *the Government Code, the revenues deposited in the Solid Waste*  
20 *Mitigation Account are hereby continuously appropriated to the*  
21 *board for expenditure in accordance with the following:*

22 (a) *Twenty-five percent of the fee revenues shall be expended*  
23 *to provide matching grants to assist public operators of solid waste*  
24 *landfills to comply with the requirements to provide enhanced*  
25 *control of methane emissions from solid waste landfills, as*  
26 *imposed by the State Air Resources Board early action measure*  
27 *adopted pursuant to the California Global Warming Solutions Act*  
28 *of 2006 (Division 25.5 (commencing with Section 38500) of the*  
29 *Health and Safety Code.*

30 (b) *Twenty-five percent of the fee revenues shall be expended*  
31 *to fund demonstration projects to accelerate the commercialization*  
32 *of hybrid trucks for the collection of recyclables, yard waste, and*  
33 *garbage.*

34 (c) *Twenty-five percent of the fee revenues shall be expended*  
35 *to fund projects to demonstrate the commercial viability of*  
36 *producing clean transportation fuels from municipal solid waste*  
37 *and landfill gas.*

38 (d) (1) *Except as provided in paragraph (3), 25 percent of the*  
39 *fee revenues shall be deposited in the State Solid Waste Closure*  
40 *Trust Subaccount, which is hereby established in the State Solid*

1 Waste Mitigation Account and continuously appropriated for  
2 expenditure by the board.

3 (2) The board may expend the money in the State Solid Waste  
4 Closure Trust Subaccount to pay for any future liability of the state  
5 resulting from the failure of a landfill operator to meet its  
6 responsibilities for landfill closure and postclosure care.

7 (3) The board shall continue to deposit the percentage amount  
8 of the fees specified in paragraph (1) to maintain an amount of  
9 fifty million dollars (\$50,000,000) in the State Solid Waste Closure  
10 Trust Subaccount. If the amount of the fee revenues allocated to  
11 the State Solid Waste Closure Trust Subaccount exceeds that  
12 amount, the board shall expend those excess amounts  
13 proportionally for the purposes specified in subdivisions (a), (b),  
14 and (c).